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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BAHMAN ZARGHAM and GREGORY BATTAS

Appeal 2009-005054
Application 10/013,091
Technology Center 2100

Decided: April 21, 2010

Before LEE E. BARRETT, HOWARD B. BLANKENSHIP, and DEBRA K. STEPHENS, *Administrative Patent Judges.*

BLANKENSHIP, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 2, 4-20, and 22-27. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

Invention

Appellants' invention relates to enriched publish and subscribe solutions for reducing latencies in enterprise operations and business processes. These solutions are implemented in a zero latency enterprise (ZLE) framework that allows the enterprise to integrate its services, applications and data in real time. Namely, an enterprise equipped to run as a ZLE is capable of integrating, in real time, its enterprise-wide data, applications, business transactions, operations and values. An operational data store operates as an information broker between the applications such that applications publish messages to the central repository and subscribe to messages from the central, rather than exchange request-response messages directly with each other. Thus, enriched publish and subscribe improves information synchronization between applications and reduces the number of request-response messages the applications would otherwise exchange. Consequently, an enterprise conducting its business as a ZLE exhibits superior management of its resources, operations, and customer care. Abstract.

Representative Claims

1. A method for enriched publish and subscribe in an enterprise running as a zero latency enterprise (ZLE), the enterprise experiencing a plurality of events occurring in association with business transactions conducted at a plurality of sites across the enterprise, the method comprising:

initiating, in real time, a process responsive to an event, the process including

publishing to a central repository one or more messages prompted by that event containing information from that event, respective information from the plurality of events being aggregated in the central repository where the aggregated information can, in real-time, be accessible and available for extraction and analysis from across the enterprise,

updating the aggregated information with information from the published messages,

creating enriched messages by enriching the messages with information from that event and/or corresponding information extracted from the central repository, and

subscribing the enriched messages.

16. A ZLE virtual hub for enriched publish and subscribe operations associated with business transactions conducted by an enterprise running as a zero latency enterprise (ZLE), the system being implemented in a ZLE framework and comprising:

one or more applications via which the business transactions are conducted; and

an operational data store (ODS), the ODS being operatively communicative with the one or more applications such that the applications are capable to publish messages to and subscribe to messages from the ODS, the ODS being configured

to operate as a dynamic central repository that consolidates information from across the enterprise and supports business transactional access to real time information from any of the one or more applications,

to know what particular information any one of the applications needs in order to accomplish its task, the particular information enriching messages to which the applications subscribe, and

to update the consolidated information with information from messages published by the applications.

Prior Art

Chandra	6,058,389	May 2, 2000
Stewart	2002/0013759 A1	Jan. 31, 2002
Schmidt	2002/0026630 A1	Feb. 28, 2002

Examiner's Rejections/Claim Status

Claims 1, 2, 5-8, 10-13, 15, 16, 19, 20, and 22-27 stand rejected under 35 U.S.C. § 102(e) as anticipated by Stewart.[1]

Claims 4 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Schmidt.

Claims 9, 14, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Chandra.

Claims 3 and 21 are objected to as being dependent upon a rejected base claim.

[1] Appellants and the Examiner list claim 21 as rejected, but the Examiner has indicated that the claim is directed to allowable subject matter (Ans. 10).

Claim Groupings

In view of Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1 and 16. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUES

(1) Have Appellants shown that the Examiner erred in finding that Stewart describes "enriching the messages with information from that event and/or corresponding information extracted from the central repository" as recited in claim 1?

(2) Have Appellants shown that the Examiner erred in finding that Stewart describes "the applications are capable to publish messages to and subscribe to messages from the ODS [operational data store], the ODS being configured to operate as a dynamic central repository that consolidates information from across the enterprise . . . to know what particular information any one of the applications needs in order to accomplish its task, . . . and to update the consolidated information with information from messages published by the applications" as recited in claim 16?

FINDINGS OF FACT

1. Stewart discloses an enterprise wide electronic collaboration system allowing trading partners to act as participants in a complex trading process. Participants communicate with one another by joining conversations that are hosted in a collaboration space and managed by a collaboration hub. A conversation management system for the enterprise wide electronic collaboration system includes a conversation manager for

managing the flow of messages in the collaboration system, including a conversation initiation mechanism for initiating a conversation, a participation registration mechanism for registering participants in the conversation, and a conversation repository for storing conversation management data. Abstract.

2. Each conversation has a unique context that enables users to manage multiple, concurrent conversations taking place in a collaboration space. The collaboration system uses the context information to help ensure that messages from one conversation do not get "tangled up" with messages from another. For example, an individual trading partner that requests proposals or negotiating prices with multiple vendors concurrently must maintain the integrity and security of each interaction. ¶ [0033].

3. A collaboration server provides the ability to interface with workflow processes running on a workflow server. The collaboration server controls the flow of information into and out of the workflows maintained by the workflow server. Messages and workflows from different trading partners are filtered by the collaboration server and routed to the appropriate recipients in a collaborative fashion. ¶ [0083].

4. Figure 8 shows an example of a collaboration space (c-space) shared by many buyers, sellers and other entities. The c-space is an abstraction supporting a single business model, business message protocols, a secure message space, security policies, quality of service policies, and a registered set of business trading partners. The c-space contains message vocabularies, business process models, participant roles, and other e-market metadata that are essential to the creation, deployment, and ongoing maintenance of trading activities. ¶ [0112].

5. The collaboration hub (c-hub) is the execution engine of a c-space, allowing the c-space owner and trading partners to create, route, and manage messages within the trading environment. To facilitate the execution of business transactions across a disparate base of trading partners, XML is used as an e-business messaging semantic. ¶ [0114].

6. XML offers tremendous advantages as a universal format for messages passed between trading partners because it provides a common syntax to structure information. However, XML by itself does not solve the interoperability problem, as collaborating entities must agree on the semantics of business protocols for this information. The collaboration system is independent of business protocol message vocabulary, and can support any standards-based or proprietary business protocol or vocabulary. As such the collaboration system delivers the ability to support multiple protocols within the same c-space as well as to extend a c-space through supplemental protocol handlers or business logic plug-ins. ¶ [0115].

7. In some instances, the c-hub stores a portion of the message itself. ¶ [0150].

8. The message persistence capabilities of the c-hub allow delivery to a recipient that is temporarily unavailable. ¶ [0265].

PRINCIPLES OF LAW

Claim Interpretation

The *claims* measure the invention. *See SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). During prosecution before the USPTO, claims are to be given their broadest reasonable interpretation, and the scope of a claim cannot be narrowed by reading

disclosed limitations into the claim. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969).

"Giving claims their broadest reasonable construction 'serves the public interest by reducing the possibility that claims, finally allowed, will be given broader scope than is justified.'" *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). "An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process." *Zletz*, 893 F.2d at 322. "Construing claims broadly during prosecution is not unfair to the applicant . . . because the applicant has the opportunity to amend the claims to obtain more precise claim coverage." *Amer. Acad.*, 367 F.3d at 1364.

Anticipation

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

ANALYSIS

Section 102(e) rejection of claims 1, 2, 5-8, 10-13, 15, and 24

Appellants contend that Stewart does not disclose enriching the messages with information from that event and/or corresponding information extracted from the central repository as recited in claim 1. Br. 10-11. The Examiner finds that Stewart discloses context information to

ensure that messages from one conversation do not get tangled up with messages from another. The Examiner also finds that Stewart discloses messages from different trading partners that are filtered by a server and routed to appropriate recipients in a true collaborative fashion. The Examiner concludes that Stewart therefore discloses messages being enriched. Ans. 12.

However, claim 1 does not recite "messages being enriched." Claim 1 recites "creating enriched messages by enriching the messages with information from that event and/or corresponding information extracted from the central repository." The Examiner has failed to show how the context information or the filtering and routing described by Stewart enriches the messages "with information from that event and/or corresponding information extracted from the central repository" as recited in claim 1.

Independent claims 11 and 15 contain a limitation similar to that of claim 1 for which the rejection fails. We thus do not sustain the § 102(e) rejection of claims 1, 2, 5-8, 10-13, 15, and 24.

Section 103(a) rejections of claims 4, 9, and 14

Claims 4 and 9 depend from claim 1, and claim 14 depends from claim 11. Because neither Schmidt nor Chandra as applied remedies the deficiencies in the rejection against base claim 1 or 11, we do not sustain the § 103(a) rejections of claims 4, 9, and 14.

Section 102(e) rejection of claims 16, 19, 20, 22, 23, and 25-27

Appellants contend that Stewart describes a collaboration hub (which corresponds to the claimed operational data store (ODS)) that forwards messages, but does not teach that applications themselves publish messages to and subscribe messages from the collaboration hub. Br. 11.

However, the Examiner finds that paragraphs 89 to 113 of Stewart describe applications that can publish messages to and subscribe messages from the collaboration hub. Ans. 6. Paragraph 112 of Stewart discusses figure 8, which shows several applications representing buyers, sellers, and other entities collaborating by sending messages through collaboration space. FF 3-4. The collaboration hub, or ODS, is the execution engine of collaboration space. FF 5. Therefore, we agree with the Examiner that Stewart describes that "applications are capable to publish messages to and subscribe to messages from the ODS" within the meaning of claim 16.

Appellants contend that Stewart does not describe that the ODS knows what particular information the applications need to accomplish their tasks. Br. 11-12.

However, the Examiner finds that Stewart describes a collaboration hub that allows an owner and trading partners to create, route, and manage messages within the trading environment. Ans. 6, 12-14. The collaboration hub provides a common syntax to exchange messages between applications that use different protocols. FF 5-6. The common syntax enriches messages by making the messages accessible to applications that use proprietary business protocols. When the "task" that the application "needs to accomplish" is delivering a message to another application that uses a proprietary protocol, then the collaboration hub "knows" the appropriate

routing and syntax information, which is "particular information any one of the applications needs in order to accomplish its task, the particular information enriching the messages to which the applications subscribe" within the meaning of claim 16.

Appellants contend that Stewart does not describe that the ODS updates consolidated information with information from messages published by applications. Br. 12.

However, the Examiner finds that paragraph 150 of Stewart describes that the collaboration hub operates as a dynamic central repository that consolidates information from across the enterprise. Ans. 6. Stewart also describes that the collaboration hub has message persistence capabilities to allow delivery of a message to a recipient that is temporarily unavailable. FF 7-8. When the collaboration hub uses message persistence capabilities to store a message, then receives and stores another message, the collaboration hub updates "the consolidated information with information from messages published by the applications" within the meaning of claim 16.

We are therefore not persuaded of error in the Examiner's finding that claim 16 is anticipated by Stewart. We sustain the § 102(e) rejection of claim 16. Claims 19, 20, 22, 23, and 25-27 fall with claim 16.

Section 103(a) rejections of claims 17 and 18

Appellants have not provided separate arguments for the patentability of claims 17 and 18, but submit that claims 17 and 18 are allowable for the reasons given with respect to base claim 16. Br. 13. Because we find the arguments for claim 16 unpersuasive, we sustain the § 103(a) rejections of claims 17 and 18.

CONCLUSIONS OF LAW

(1) Appellants have shown that the Examiner erred in finding that Stewart describes "enriching the messages with information from that event and/or corresponding information extracted from the central repository" as recited in claim 1.

(2) Appellants have not shown that the Examiner erred in finding that Stewart describes "the applications are capable to publish messages to and subscribe to messages from the ODS [operational data store], the ODS being configured to operate as a dynamic central repository that consolidates information from across the enterprise . . . to know what particular information any one of the applications needs in order to accomplish its task, . . . and to update the consolidated information with information from messages published by the applications" as recited in claim 16.

DECISION

The rejection of claims 1, 2, 5-8, 10-13, 15, and 24 under 35 U.S.C. § 102(e) as anticipated by Stewart is reversed.

The rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Schmidt is reversed.

The rejection of claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Chandra is reversed.

The rejection of claims 16, 19, 20, 22, 23, and 25-27 under 35 U.S.C. § 102(e) as anticipated by Stewart is affirmed.

The rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Chandra is affirmed.

The rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Stewart and Schmidt is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART

msc

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